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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,439	12/19/2001	Sang Jun Choi	K-0359	2089

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FLESHNER & KIM, LLP  
P.O. BOX 221200  
CHANTILLY, VA 20153

EXAMINER

HAILE, FEBEN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/021,439	<b>Applicant(s)</b> CHOI, SANG JUN	
	<b>Examiner</b> Feben M. Haile	<b>Art Unit</b> 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 19, 2001 & December 01, 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. Claims 14-28 of this application conflict with claims 14-28 of Application No. 10/060256. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 14-28 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 14-28 of copending Application No. 10/060256. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

**Regarding claim 14**, copending Application No. 10/060256 discloses a reassembly processing unit that divides an input ATM adaptation layer 2 (AAL2) cell into AAL2 common part sublayer (CPS) packets; a first memory that sequentially stores the

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divided CPS packets into first storage areas and sequentially stores first identifiers of the first storage areas; a CPS packet switching unit that reads the stored CPS packets from the first storage areas in the order of the stored first identifiers and routes the read CPS packets to each destination; a second memory that sequentially stores the routed CPS packets into second storage areas and sequentially stores second identifiers of the second storage areas; and an assembly processing unit that reads the CPS packets from the second storage areas in the order of the second identifiers and multiplexes the CPS packets read from the second storage areas to generate a reconstructed AAL2 cell **(claim 14)**.

**Regarding claim 15**, copending Application No. 10/060256 discloses wherein the CPS packet switching unit changes origination channel identifiers (CIDs) of the CPS packets read from the first storage areas to corresponding destination CIDs and sequentially stores the read CPS packets in the second storage areas corresponding to the destination CIDs **(claim 15)**.

**Regarding claim 16**, copending Application No. 10/060256 discloses first, second, third, and fourth memories that sequentially store ATM adaptation layer 2 (AAL2) type common part sublayer (CPS) packets and output the CPS packets in the order of their respective storage, wherein each memory has storage areas; a reassembly processing unit that divides an input AAL2 cell into the AAL2 type CPS packets, stores the divided CPS packets in different first storage areas of the first memory in accordance with corresponding virtual paths/virtual channels (VPs/VCs), and stores first identifiers of the different first storage areas in the second memory; a CPS

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packet switching unit that reads the CPS packets stored in the first memory in the order of the first identifiers stored in the second memory, stores the read CPS packets in different second storage areas of the third memory in accordance with corresponding destination channel identifiers (CIDs), and stores second identifiers of the second storage areas in the fourth memory; and an assembly processing unit that reads the CPS packets stored in the third memory in the order of the second identifiers stored in the fourth memory and multiplexes the read CPS packets to generate a reconstructed AAL2 cell (**claim 16**).

**Regarding claim 17**, copending Application No. 10/060256 discloses a first reference table that maps the first identifiers with the corresponding VPs/VCs; and a second reference table that maps the second identifiers with the corresponding destination CIDs (**claim 17**).

**Regarding claim 18**, copending Application No. 10/060256 discloses wherein the reassembly processing unit refers to the first reference table to determine the first storage areas corresponding to the VPs/VCs of the CPS packets (**claim 18**).

**Regarding claim 19**, copending Application No. 10/060256 discloses wherein the CPS packet switching unit refers to the second reference table to determine the respective destination CIDs corresponding to the CPS packets (**claim 19**).

**Regarding claim 20**, copending Application No. 10/060256 discloses wherein the CPS packet switching unit changes origination CIDs of the CPS packets read from the first memory to the corresponding destination CIDs, with reference to the second reference table (**claim 20**).

**Regarding claim 21**, copending Application No. 10/060256 discloses wherein the first and second identifiers are stored in the order that the CPS packets are stored to the corresponding first and second storage areas, respectively (**claim 21**).

**Regarding claim 22**, copending Application No. 10/060256 discloses wherein the first, second, third, and fourth memories have a queue type structure (**claim 22**).

**Regarding claim 23**, copending Application No. 10/060256 discloses a central processing unit that reads the CPS packets from the first memory in the order of the stored first identifiers and implements testing and signaling for switching (**claim 23**).

**Regarding claim 24**, copending Application No. 10/060256 discloses wherein the first, second, third, and fourth memories have a queue type structure (**claim 24**).

**Regarding claim 25**, copending Application No. 10/060256 discloses a plurality of cell switches that each have first, second, third, and fourth memories, a reassembly processing unit, a CPS packet switching unit, and an assembly processing unit; and a router that routes the CPS packets output from one of the plurality of cell switches to another cell switch (**claim 25**).

**Regarding claim 26**, copending Application No. 10/060256 discloses wherein the first, second, third, and fourth memories have a queue type structure (**claim 26**).

**Regarding claim 27**, copending Application No. 10/060256 discloses an ATM switch that receives, switches, and transmits ATM adaptation layer 2 (AAL2) cell-type data packets; and a receiver AAL2 switch that receives the AAL2 cell-type data packets from the ATM switch and transmits the AAL2 cell-type data packets to respective destinations (**claim 27**).

**Regarding claim 28**, copending Application No. 10/060256 discloses a transmitter AAL2 switch that receives the AAL2 cell-type data packets from a source and transmits the AAL2 cell-type data packets to the ATM switch (**claim 28**).

***Allowable Subject Matter***

3. Claims 1-13 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 1**, the prior art of record fails to disclose, teach, or fairly suggest "...c) reading the stored CPS packets in the order of the stored first identifiers, sequentially storing the read CPS packets in second storage areas used to route the CPS packets to each destination, and sequentially storing second identifiers of the second storage areas..."

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Murakami et al. (US 6,741,598), Switching Method, Switching Equipment and Switching Network

b) Brueckheimer et al. (US 6,574,223), Adaption Layer Switching

c) Dempo (US 6,594,267), AAL2 Packet Exchange Device


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Feben M. Haile whose telephone number is (571) 272-3072. The examiner can normally be reached on 6:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GH 10/26/2005

  
RICKY NGO  
PRIMARY EXAMINER  
10/31/05